

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVE DAVIS,

Plaintiff(s),

vs.

LIVING TRUST OF
MICHAEL J. FITZGERALD, et al.,

Defendant(s).

Case No. 2:12-cv-01939-JCM-NJK

ORDER REQUIRING PLAINTIFF
TO UPDATE HIS ADDRESS

On July 8, 2013, the Court Clerk's office mailed to Plaintiff a notice of a Court orders. Docket Nos. 53, 54 (Notices of Electronic Service). Those notices were returned to the Court as undeliverable, with a notation that no new address was provided for forwarding. Docket No. 58. Similarly, Defendant has filed a notice with the Court that its recent mailings to Plaintiff have been returned as undeliverable. Docket No. 59. "A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address." *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988); *see also In re Hammer*, 940 F.2d 524, 526 (9th Cir. 1991) (upholding denial of motion to set aside default judgment where plaintiff failed to update address). The Court hereby **ORDERS** Plaintiff to file, no later than September 23, 2013, a notice with his current mailing address. The failure to comply with this order will result in an order to show cause why default

1 judgment should not be entered on the remaining counterclaims against Plaintiff.¹

2 IT IS SO ORDERED.

3 DATED: September 6, 2013

4
5 
6 NANCY J. KOPPE
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 ¹ The Court entered judgment in favor of Defendants on their claims. *See* Docket Nos. 54, 55.
27 The Court then re-opened the case with respect to three of the counterclaims brought by
28 Defendant/Counterclaimant The Living Trust of Michael J. Fitzgerald. Docket No. 57. It appears that
those counterclaims are the only remaining claims in this case.